

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 2939 of 2005

Between:

Ommi Sanyasi Rao, s/o Krishna,
R/o D.No. 7-577, Thotagaruvu, Dairy Farm Post, Visakhapatnam - 530 040.

..... PETITIONER

AND

The Executive Officer, Sri S.V.L.N. Swamy Vari Devasthanam,
Simhachalam Post, Visakhapatnam - 530 028..

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus to declare the action of the Respondent directing to deposit the collections of Toll Gate Fees from the passengers of RTC buses into Devasthanam Office and non-consideration of the representation of the petitioner Dt. 28-1-2005 to renew the Toll Gate lease for another period of one year ie., from 1-4-2005 to 31-3-2006 in order to recover the heavy losses sustained by the petitioner is un-fair, unjust, illegal, arbitrary and violative of Articles 14, 19, 21 and 300 (A) of the Constitution of India and consequently direct the Respondent to consider the representation of the petitioner dt. 28-1-2005 and to renew the Lease for another period of one year for the petitioner and to pass such other order or orders as this Honourable Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.K.S.MURTHY

Counsel for the Respondent : Mr. M. Adinarayana Raju.

The Court at the stage of admission made the following :

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ORDER:

Heard both sides and at their request this Writ Petition is taken up for disposal at the stage of admission.

In this Writ Petition the petitioner is seeking a writ of Mandamus declaring the action of the respondent, directing to deposit the collections of Toll Gate Fees from the passengers of RTC buses into Devasthanam Office and non-consideration of the representation of the petitioner dated 28.1.2005 to renew the Toll Gate lease for another period of one year i.e. from 1.4.2005 to 31.3.2006 in order to recover the heavy losses sustained by the petitioner as illegal, arbitrary and violative of Articles 14,19,21 and 300 (A) of the Constitution of India and consequently direct the respondent to consider the representation of the petitioner dated 28.1.2005 to renew the Lease for another period of one year for the petitioner.

Though this court has its own opinion about the contentions raised by the petitioner, It is not expedient to put the same on record for the simple reason that the representations made by the petitioner are pending before the respondent and the

grievance of the petitioner is that those representations are not even looked into, let alone consideration. In the circumstances, suffice it to dispose of the Writ Petition with a direction to the respondent to look into and consider the representations made by the petitioner if any, and pass appropriate orders in accordance with law. However, it is clarified that if there are no representations traceable by the respondent, the petitioner is always at liberty to file a fresh representation before the respondent and upon such filing, the respondent is directed to consider the same strictly in accordance with law, as expeditiously as possible, preferably within a period of eight weeks, from the date of receipt of a copy of this order. No costs.

D.S.R. VARMA, J

DATED: 18.03.2005

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Note: Furnish copy by Wednesday.

To

- 1 District Collector, Ranga Reddy District.
- 2 Revenue Divisional Officer, Vikarabad Division, Vikarabad,
Ranga Reddy District.
3. 2 CD copies.
4. 1 CC to MR.ADINARAYANA RAJU